

## **501 KAR 15:010. Definitions for 501 KAR Chapter 15.**

RELATES TO: KRS 61.315

STATUTORY AUTHORITY: KRS 61.315(5), 196.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(5) requires the Department of Corrections to promulgate administrative regulations to establish the criteria and procedures applicable to the administration of benefits paid on death of eligible corrections employees who have died in the line of duty. This administrative regulation provides the definition of terms used in 501 KAR Chapter 15.

Section 1. Definitions. (1) "Act in the line of duty" means, with respect to an eligible corrections employee:

- (a) An act or omission to act; or
- (b) A work-related event involving the employee; or
- (c) An external force upon the employee while the employee is engaged in an action or duty for which the employee is obligated or authorized by rule, administrative regulation, condition of employment or service, or law to perform for corrections. An employee's act shall not be in the line of duty if his or her the death is caused by:

- 1. A nonwork-related disease or condition or a routine work-related disease or condition common to the eligible employee's occupation;
- 2. Intentional misconduct of the eligible employee;
- 3. The eligible employee's intention to bring about his death;
- 4. The eligible employee's willfulness or wanton disregard that brings about his or her death;
- 5. The eligible employee's voluntary intoxication if intoxication is a contributing factor in his or her death; or
- 6. If an action or omission of a beneficiary is a substantial factor in the death of an eligible employee, recovery shall be precluded as to that beneficiary only.

(2) "Children" means a natural or adopted child, or child born out of wedlock of the deceased eligible corrections employee who, at the time of the employee's death, is living or later is born alive.

(3) "Claimant" means a spouse, child, or parent of a deceased employee who files a claim for death benefits with the Department of Corrections, pursuant to KRS 61.315.

(4) "Commissioner" means the Commissioner of the Department of Corrections.

(5) "Corrections" means the Department of Corrections.

(6) "Death in the line of duty" means the death of an eligible employee due to his or her performance of an act in the line of duty that results in:

- (a) Immediate death;
- (b) A traumatic injury, wound, condition of the body, or disease resulting in death; or
- (c) Medical intervention for a condition in paragraph (b) of this subsection that directly causes death.

(7) "Death as a direct result of an act" means that the antecedent act, omission to act or event inflicted upon the eligible corrections employee was the substantial factor in the employee's death.

(8) "Eligible corrections employee" means a probation and parole officer, assistant supervisor, district supervisor, branch manager assigned to a probation and parole office, Assistant Director or Director of the Division of Probation and Parole, and an employee of the department, who at the time of death, was acting as a peace officer pursuant to KRS 197.037.

(9) "Office of the Commissioner" means the person designated by the Commissioner of Corrections to receive, process and make qualifying determinations on claims for benefits to be paid on death of an eligible employee pursuant to KRS 61.315.

(10) "Parent" means a natural or adoptive parent of the eligible corrections employee living at the time of the employee's death.

(11) "Spouse" means the lawfully wedded husband or wife of the deceased eligible corrections employee living at the time of the death, and includes a spouse:

(a) Living apart from the eligible employee at the time of the death for any reason; or

(b) Involved in divorce proceedings if a final divorce decree has not been entered. (27 Ky.R. 1117; Am. 1457; eff. 12-21-2000.)